

**Constitution of State  
Security Commission**

**Government of Maharashtra  
Home Department  
Government Resolution No.: SSC-1013/CR-108/Pol-3.**

Home Department, World Trade Centre,  
Cuffe Parade, Mumbai-400 005.  
Date: 10th July, 2013.

**Read -**

1. Judgment dated 22/09/2006 of the Supreme Court of India in Writ Petition (Civil) No.310/1996 in Prakash Singh and Others Vs. Union of India and Others.
2. Government Resolution No.NPC-1008/2/CR-6/POL-3, dated 25/07/2008.
3. Government Resolution No.NPC-1008/2/CR-6/POL-3, dated 31/08/2009.
4. Government Resolution No. NPC-1008/2/CR-6/POL-3, dated 14/04/2010
5. Government Resolution No. NPC-1008/2/CR-6/POL-3, dated 15/01/2011
6. Government Resolution No. Nyayapra-1012/290/CR-14/RC 2 /POL-3, dated 02/05/2013

**Background -**

The Government of India had appointed a National Police Commission (NPC) for fresh examination of the role and performance of police, both as a law enforcing agency and as an institution to protect the rights of citizens enshrined in the Constitution of India. The NPC, after examining all the issues in depth, submitted various reports and the final report in 1981. Prakash Singh and Others had filed Writ Petition (Civil) No.310 of 1996 against Union of India and others under Article 32 of the Constitution of India for direction to implement the report of the NPC and to frame a new Police Act in order to ensure that police is accountable essentially and preliminarily to the law of the land and the people.

The Hon'ble Supreme Court of India, while deciding the said Writ Petition by its judgment dated 22/09/2006, has held that it is essential to lay down guidelines to be operative till the new legislation is enacted by State Governments. The Hon'ble Supreme Court of India has issued directions under Article 32 read with Article 142 of the Constitution of India for Constitution of State Security Commission as per one of the models suggested and with appropriate functions.

Pursuant to the judgment of the Supreme Court in Prakash Singh, the Government of Maharashtra issued Government Resolution referred to at Sr. No.(2) above, on 25/07/2008. After due reconsideration of the directions of the Supreme Court and in supersession of Government Resolution dated 25/07/2008 and 31/08/2009 referred to at Sr.No.(2) and (3) above, the Government of Maharashtra had reconstituted the State Security Commission vide Government Resolution dated 14/04/2010. Now again after due reconsideration of the Supreme Court's order dated 22/09/2006, Government of Maharashtra issues following resolution.

## **Resolution**

### **(A) CONSTITUTION OF STATE SECURITY COMMISSION**

- |   |   |                  |
|---|---|------------------|
| 1. Minister in Charge of Home Department.                       | - | Chairperson      |
| 2. Leader of Opposition of State Legislative Assembly.          | - | Member           |
| 3. Chief Secretary  | - | Member           |
| 4. Additional Chief Secretary Home Department.                  | - | Member           |
| 5. Five Non-official members (two of which preferably a woman). | - | Member           |
| 6. Director General of Police                                   | - | Member Secretary |

(B) No person shall be appointed as non-official members if he/she

- (i) is not a citizen of India; or
- (ii) has been convicted by any criminal offence by a Court of law or against whom criminal charges have been framed in a court of law; or
- (iii) has been dismissed or removed from Government service semi-Government or Private service or compulsory retired on the grounds of corruption or inefficiency or moral turpitude or any kind of misconduct or;
- (iv) has been debarred from holding any public office or from contesting any election; or
- (v) holds or has held elected political office, including that of member of Parliament or State Legislature or a local body, or is or was an office bearer of any political party or any organization connected with a political party or
- (vi) is of unsound mind.

(C) While selecting non-official members, care may be taken to ensure that representation be given to all sections of society.

As far as possible two members should be women.

While selecting the members they may be broadly selected from the following disciplines.

- a) Academician, Liberal Arts, Person in Communication and Media.
- b) Person in Science and Technology specially in the field of I.T., surveillance or security related technology.
- c) person of eminence in the legal field.
- d) Corporates.
- e) NGO working in the field of Women, Women and Child Development, Tribal Development and Rural Development, Urban Development.

(D) Non official members may be appointed on the recommendation of a selection panel composed of :

- i) A retired Chief Justice of a High Court to be nominated by the Chief Justice of the High Court;
- ii) The Chairperson of the State Human Right Commission; in the absence of a state Commission, a person nominated by the Chairperson of the National Human Right Commission; and
- iii) The Chairperson of the State Public Service Commission.

- (E) Non-official member appointed may be removed on any of the following grounds :
- (i) proven incompetence;
  - (ii) proven misbehaviour or misuse or abuse of powers vested to him;
  - (iii) failure to attend three consecutive meetings of the State Security Commission without sufficient cause;
  - (iv) incapacitation by reasons of physical or mental infirmity;
  - (v) otherwise becoming unable to discharge his functions as a member;
  - (vi) conviction by a court of law in an offence punishable under clause XII, XVI or XVII of the Indian Penal Code 1860; or where charges have been framed against him by a court of law in moral turpitude.
- (F) The term of office of the non-official members shall be for a period not exceeding two years. The other terms and conditions of such members shall be such as may be prescribed.
- (G) The State Security Commission shall exercise powers and perform functions which include :
- i) Laying down the broad policy guidelines for ensuring that the State Police always acts according to the laws of the land and the Constitution of India;
  - ii) laying down the broad principles and giving directions for the performance of the preventive tasks and service oriented functions of the police;
  - iii) evaluation of the performance of the State Police;
- (H) The State Security Commission shall meet once in every quarter.
- (I) The State Security Commission shall prepare a report on the powers exercised and functions performed by them and submit to Government for placing before the State Legislature.
- (J) The recommendations of the State Security Commission shall be binding on the Government of Maharashtra.

This Government resolution of Maharashtra Government is available at the website [www.maharashtra.gov.in](http://www.maharashtra.gov.in). Reference no. for this is 201307111734573129. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

**( Charushila Tambekar )**

Joint Secretary to Government of Maharashtra

Copy forwarded to:

1. The Secretary to the Hon'ble Governor, Rajbhavan, Malbar Hill, Mumbai,
2. Additional Chief Secretary to the Hon'ble Chief Minister,;
3. Secretary to the Hon'ble Dy. Chief Minister
4. P.S. to the Hon. Home Minister;
5. P.S. to the Hon'ble Home Minister (State)
6. P.S. to the Leader of Opposition, State Legislative Assembly;
7. Sr.P.A. to the Chief Secretary;
8. Sr.P.A. to the Addl. Chief Secretary (Home);
9. The Director General of Police;
10. All Non Official Members of the State Security Commission;
11. All Joint Secretaries / Dy. Secretaries, Home Department;
12. Select File Pol-3